

**REMARKS**

Claims 1-18 are pending in the application. Claims 1, 6, 7, 10, 16 and 17 have been amended.

Applicants thank the Examiner for taking the time to discuss the Office Action in a telephonic interview.

**I. Amended Claims**

Claim 1 has been amended to recite “[a] computer-implemented method.” Support for this amendment is found at, for example, specification, page 8, lines 12-17 as originally filed.

Claims 1 and 10 have been amended to recite “the distinguishing series of tests includes one or more binary tests and one or more non-binary tests.” Support for this amendment is found at, for example, specification, page 10, line 19 to page 11, line 19 as originally filed.

Claims 6, 7, 16 and 17 have been amended to clarify the scope of these claims. Applicants respectfully request that this amendment be entered.

No new matter has been introduced by way of this amendment.

**II. Rejection under 35 U.S.C. § 101**

Claims 1-9 have been rejected under 35 U.S.C. § 101. The Examiner stated in the Office Action that the claimed invention is directed to non-statutory subject matter. As discussed above, Claim 1 has been amended to recite “[a] computer-implemented method” as suggested by the Examiner. Since Claims 2-9 depend from base Claim 1, Applicants respectfully request the withdrawal of the § 101 rejection of Claims 1-9.

**III. Rejections under 35 U.S.C. § 103(a)**

The present invention is directed to computer-implemented methods of determining the content type of a subject Web page. Particularly, in Claims 1 and 10, the method includes the step of preparing a distinguishing series of tests. The kinds of distinguishing series of tests include binary tests with two possible outcomes, “True” or “False,” such as whether the subject Web page contains predetermined data, keywords or expressions such as “Inc.,” “Corp.” or

“About . . . .” *See* page 10, line 22 through page 11, line 4 of the present application. Furthermore, the kinds of distinguishing series of tests of Claims 1 and 10 include non-binary tests that account for page format such as the number of paragraphs and words in the subject Web page. *See* page 11, line 5 - page 12, line 8 of the present application. As explained below, Applicants respectfully request that the Examiner note that this non-binary testing element is what distinguishes the present invention from the prior art references cited by the Examiner.

**A. 35 U.S.C. § 103(a) Rejection of Claims 1-3, 6-9, 10-12 and 15-18**

Claims 1-3, 6-9, 10-12 and 15-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Russell-Falla et al. (U.S. Patent No. 6,675,162) (hereinafter “Russell-Falla”) in view of Chakrabarti et al. (U.S. Patent No. 6,389,436) (hereinafter “Chakrabarti”).

Neither Russell-Falla nor Chakrabarti teach, suggest or otherwise make obvious a distinguishing series of tests that are non-binary as claimed in Claims 1 and 10. Both Russell-Falla and Chakrabarti relate to content-recognition technology that characterizes the content of the subject Web page based on the text. They classify the content of the subject Web page based on the appearance of a predetermined set of words, data or expressions or the absence thereof. *See* col. 3, lines 23-37 of Russell-Falla and col. 8, lines 22-27 of Chakrabarti. The classification in Russell-Falla and Chakrabarti is thus binary, meaning that each classification has two possible outcomes: either true, indicating the presence of the predetermined set of words, data or expressions in the subject Web page; or false, indicating the absence of the predetermined set of words, data or expressions in the subject Web page. The present invention, however, teaches the additional non-binary test element where the outcome of a classification is multiple. Compared to binary tests, the ability to account for multiple outcomes with non-binary tests provides more precise classification of a subject Web page. For example, accounting for the number of paragraphs in the Web page using only binary tests necessitates the use of multiple tests as shown below:

Test 1: Page contains one paragraph

Outcome: True or False

Test 2: Page contains two paragraphs

Outcome: True or False

Test 3: Page contains three paragraphs

Outcome: True or False

... etc....

In contrast, using non-binary tests of the present invention, there can be three or more outcome in a single test. An example from the specification is reproduced below:

Test 1: The number of paragraphs in the page is in one of the following ranges:

A = [0-3], B = [4-10], C = [11-30], D = [31-  $\infty$ ].

Outcome: A, B, C, or D (the corresponding range).

Therefore, Claims 1 and 10 are not obvious in view of Russell-Falla and Chakrabarti, separately or in combination. Accordingly, Applicants respectfully request the rejections of Claims 1 and 10 be withdrawn under 35 U.S.C. § 103(a).

Because Claims 1 and 10 are patentable, Claims 2-3, 6-9, which depend from Claim 1, and Claims 11, 12 and 15-18, which depend from Claim 10, are patentable for at least the same reasons as Claims 1 and 10.

#### **B. 35 U.S.C. § 103(a) Rejection of Claims 4, 5, 13 and 14**

Claims 4, 5, 13 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Russell-Falla in view of Chakrabarti in further view of Haug et al. (U.S. Patent No. 6,556,964) (hereinafter "Haug"). Haug is directed to a probabilistic model of the meaning of medical reports to extract and encode medical concepts using Bayesian network.

Claims 4, 5, 13 and 14 depend from Claims 1 or 10. Therefore, Claims 4, 5, 13 and 14 also include the element of the distinguishing series of tests that are both binary and non-binary. As explained above, neither Russell-Falla nor Chakrabarti teach, suggest or otherwise make obvious the distinguishing series of non-binary tests of Claims 4, 5, 13 and 14. Furthermore,

Haug does not cure this deficiency to make Claims 4, 5, 13 and 14 obvious. Therefore, Applicants respectfully request the rejections of Claims 4, 5, 13 and 14 be withdrawn under 35 U.S.C. § 103(a).

#### **IV. The Newly Cited Skopicki Reference**

Although the Examiner pointed out Skopicki (U.S. Patent No. 6,859,797) (hereinafter “Skopicki”) as a possibly relevant reference, Skopicki was not relied on in any rejection of the claims in the Office Action at hand. Applicants, however, wish to distinguish the present invention from Skopicki at this time.

Skopicki is directed to a process for the automatic identification in a computer as well as a process for automatically classifying and filing edited documents in a computer using the identification process as well as its device for practicing the same. Skopicki, however, does not teach, suggest or otherwise make obvious the non-binary test element of the present invention. While Skopicki classifies documents in a computer, the tests used are binary. According to Skopicki, the identification criterion and the classification criterion are defined and the documents are classified according these criteria whether the documents contain positive (i.e., True) or negative (i.e., False) comparison to the criteria. *See* col. 3, lines 51-67 and col. 5, lines 57-67. Therefore, Skopicki does not anticipate or make obvious the present invention, separately or in combination with the previously cited references.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims (claims 1-18) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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